

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

JENNIFER BERRY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:21-CV-00001
)	
TOWN OF FRONT ROYAL, VIRGINIA,)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, Jennifer Berry (“Berry” or “Plaintiff”), by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully moves the Court for entry of partial summary judgment against Defendant Town of Front Royal, Virginia and in her favor on the issue of liability on that portion of Count II of her Complaint arising from the Town’s failure to offer her the position of Public Information Officer (“PIO”) in retaliation for her having engaged in protected activity under Title VII. In support of her motion, Berry is filing on this date the following:

Plaintiff’s Memorandum in Support of Motion for Partial Summary Judgment

- Exhibit 1: Portions of Letasha Thompson Deposition and Deposition Exhibits
- Exhibit 2: Charge of Discrimination (ECF No. 1-2)
- Exhibit 3: Portions of the Town of Front Royal’s 30(b)(6) Deposition, Matthew Tederick Designee, and Deposition Exhibits
- Exhibit 4: Portions of Plaintiff’s Answers to Defendant’s First Set of Interrogatories
- Exhibit 5: TOWN187-193 (Berry’s Employment Performance Evaluation)
- Exhibit 6: Portions of William Sealock July 13, 2021 Deposition and Deposition Exhibits
- Exhibit 7: Defendant’s Answers to Plaintiff’s First Set of Interrogatories
- Exhibit 8: TOWN1188 (Portion of Employee Handbook re: Advancement Through the Pay Range)
- Exhibit 9: Portions of Gary Gillispie Deposition

- Exhibit 10: Portions of Hollis Tharpe Deposition
- Exhibit 11: TOWN649 – portion of transcript of Sealock statement given to Bush
- Exhibit 12: Portions of Julie Bush July 6, 2021 Deposition and Deposition Exhibits
- Exhibit 13: Portions of Christopher Holloway Deposition and Deposition Exhibits
- Exhibit 14: Portions of Jennifer Berry Deposition and Deposition Exhibits
- Exhibit 15: Portions of Douglas Napier Deposition Exhibits
- Exhibit 16: Portions of Answer to Complaint (ECF No. 7)
- Exhibit 17: TOWN705 (12-3-19 Offer of Promotion to Jones)
- Exhibit 18: TOWN706 (Memo from Tederick re: Jones as PIO)
- Exhibit 19: Portions of Eugene Tewalt Deposition
- Exhibit 20: Portions of William Sealock August 31, 2021 Deposition
- Exhibit 21: TOWN620-622 (8-15-19 Emails re: Berry’s complaints regarding Sealock)
- Exhibit 22: TOWN630 (8-15-19 Email from Napier to Tederick re: telling Berry Sealock was going to have Bush in Berry’s evaluation; first time this would happen this way.)
- Exhibit 23: BERRY000922-000923 (8-19-19 Email from Doug Napier to Jennifer Berry, Subject: Our HR)
- Exhibit 24: TOWN649 (portion of HR transcript of interview with Sealock)
- Exhibit 25: TOWN675 (8-19-19 Emails advising Berry of EEOC time limits)
- Exhibit 26: TOWN2185 (8-20-19 Emails re: Town Council Employee’s Grievances)
- Exhibit 27: TOWN637-638 (8-20-19 Emails re: VRSA opinion regarding Clerk of Council’s harassment claim)
- Exhibit 28: TOWN2107-2019 (11-15-19 Emails re: Report from Bush)
- Exhibit 29: TOWN625-627 (“Investigation Summary Report”)
- Exhibit 30: Portions of Julie Bush December 13, 2021 Deposition Exhibits
- Exhibit 31: Portions of Todd Jones Deposition and Deposition Exhibits

Exhibit 32: BERRY001078 (1-29-20 Memo from Jacob Meza to Jennifer Berry, RE: Strategic Rightsizing of Employment Positions)

Exhibit 33: TOWN 2469 (Todd Jones's Last Employee Time Sheet-Resigned August 3, 2021)

Berry asks that her Motion for Partial Summary Judgment be granted, that the balance of the issues in the case move to trial, and for such other further relief as is appropriate and just.

Respectfully submitted,

JENNIFER BERRY BROWN

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2022, I filed the foregoing with the Clerk through the CM/ECF system, and a copy of same will delivered through the CM/ECF system to be forwarded electronically to:

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